



Attorney Docket # 5815-2

AT-1154
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Carl BERGER

Serial No.: 10/719,295

Filed: November 21, 2003

For: Methods of Reducing the Nicotine Content of
Tobacco Plants and Tobacco Plants Obtained
Thereby

Examiner: Nathan W. Schlientz
Group Art: 1616

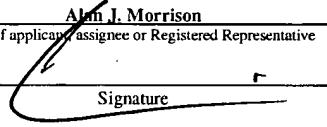
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 10, 2008

(Date of Deposit)

Alvin J. Morrison

Name of applicant, assignee or Registered Representative



October 10, 2008

Date of Signature

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

SIR:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated April 14, 2008 of the Primary Examiner finally rejecting claims 1, 2 and 5-25.

The items checked below are appropriate:

1. The time for response to the Office Action of _____ expires on _____.
2. A ____-month extension of time for response to the Office Action dated _____ was filed on _____. [No additional extensions of time are required.]
- 3a. Applicant hereby request a three-month extension of the original shortened statutory response period set in the Office Action of April 14, 2008. Payment in the amount of \$555 for the government fee for an extension of time is enclosed herewith.

10/14/2008 HDESTA1 00000030 032412 10719295

01 FC:2253
02 FC:2401

555.00 OP
255.00 OP

15.00 DA

3b. This is not the first request for an extension of time relative to the outstanding paper. The period for response has already been extended by -month(s) by petition dated . Please extend the time for response by an additional -month(s). With this extension, the deadline for filing the required paper will be . Payment for the additional extension fee of \$ is enclosed.

4. Check for payment of the appeal fee of \$255.00 and any other fee applicable
 is enclosed herewith.
 No additional fee is required (fee paid in prior appeal).
 Charge the fee to Deposit Account No. 03-2412 (one additional copy of this Notice is enclosed herewith).

5. Charge any additional fees required, for example, for lodging this appeal or for filing the Appeal Brief, not otherwise paid by check, to Deposit Account No. 03-2412. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By _____


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Dated: October 10, 2008